IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 3068/2006
(Soma Ram Vs. State of Rajasthan & Ors.)

Date of Order : 02/04/2007

PRESENT
HON'BLE MR. JUSTICE H.R.PANWAR

Mr. Rajesh Shah for the petitioner.
Mr. B.L.Tiwari, Dy. Government Advocate for respondents.

BY THE COURT:-

By the instant writ petition under Articles 226 and 227 of the Constitution of India, the petitioner seeks a direction to the respondents to reinstate him on duty on the post of Cattle Guard in pursuance of the compromise and pay due wages.

Heard learned counsel for the parties.

The facts and circumstances giving rise to the instant writ petition are that the petitioner moved before the Payment of Wages Authority, Sirohi for payment of wages under the Payment of Wages Act, 1936. By order dated 30.9.1999, the Payment of Wages Authority found the petitioner entitled for the wages for one year amounting to Rs.13,550/-, compensation of Rs.25/- and cost of Rs.50/- totalling to Rs.13,625/- and the respondent employer was directed to pay the said amount. The respondents preferred an appeal before the District Judge, Sirohi

being Civil Appeal Order No. 12/2000. The appeal came to be dismissed by order dated 14.2.2003 Annex.R-1. After dismissal of the appeal, there can be no reason for the respondents to deny the payment of wages as awarded by the Payment of Wages Authority vide order dated 30.9.99 and affirmed by order dated 14.2.2003 passed by the appellate authority. The petitioner seeks reinstatement on the strength of a compromise. From the perusal of the record, it appears that the petitioner has neither placed on record the compromise nor the order of Payment of Wages Authority. Be that as it may, from the order Annex.R-1 it appears that the Payment of Wages Authority directed the respondents to pay a sum of Rs.13,625/-. In my view, the petitioner is entitled to get the amount of Rs.13,625/- awarded to him by the Payment of Wages Authority.

In this view of the matter, the writ petition is allowed to the extent that the respondents are directed to pay a sum of Rs. 13,625/- to the petitioner within a period of two months from today along with interest @ 9% p.a. from the date of order passed by the Payment of Wages Authority i.e. 30.9.1999.

(H.R.PANWAR),J.

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